

of every insurance company of this state and such other companies doing business in this state as the commissioner may direct, in order that the commissioner may know whether or not such companies are solvent and in compliance with the laws of this state. Said examiner shall receive an annual compensation not exceeding fifteen hundred dollars and the per diem provided by Section 50 to be paid by the companies examined by him.

1922, ch. 492, sec. 8.

7. *Actuary.* The commissioner shall also appoint an actuary for the department, who shall receive an annual compensation of five hundred dollars and the fees provided by Section 40 to be paid by the companies whose policies he shall value as required by law.

1922, ch. 492, sec. 9.

8. *Auditor.* The commissioner shall also appoint an auditor for the department, whose duties it shall be to examine and audit the annual statements of all insurance companies authorized to do business in this state, the books, accounts and affairs of the insurance department and do such other auditing as the commissioner may direct. He shall also, when so directed by the commissioner, assist in the examination of companies, and shall receive the annual compensation of one thousand dollars and, when en-

In the light of art. 23, sec. 192, An. Code, 1912, this section applies to accident insurance policies. *Md. Casualty Co. v. Gehrman*, 96 Md. 648.

Cited but not construed in *Mutual, etc., Co. v. Rain*, 108 Md. 355.

218. The important element in this section is "negotiating contracts" of insurance; acts of making out and delivering policies, collecting premiums and giving notices, of a clerical description, so long as they do not relate to the negotiation of the contract, are not within this section; neither is a clerk who is sent by brokers who employ him to the agents of insurance companies to affect the placing of the risk. One who aids in the negotiation of a contract comes under this section; he need not be the sole intermediary between the insured and the company. There is no distinction (so far as this section is concerned) between procuring a renewal of a policy and procuring the original. *State v. Geddes*, 127 Md. 169.

This section referred to in construing art. 23, sec. 219, An. Code, 1912—see notes thereto (this footnote). *Shehan v. Tanenbaum, Son & Co.*, 121 Md. 287.

See notes to secs. 219 and 220 (this footnote).

219. Although a local law makes it unlawful for a real estate broker to carry on business in Baltimore city without obtaining a license, and in such event makes his contracts for commissions void, the overruling of a demurrer to a declaration in a suit by a Baltimore broker for commissions containing no allegation that he has a license, is not reversible error. *Walking v. Ensor*, 138 Md. 501.

Inasmuch as the purpose of this section is not merely to raise revenue, but in part at least, to protect the public, a contract made by an unlicensed broker may not be enforced. A court will not enforce a contract expressly or by implication forbidden by statute. *Goldsmith v. Mfgs.' Liability Ins. Co.*, 132 Md. 284. *Cf. Goldsmith v. U. S. F. & G. Co.*, 140 Md. 72.

The purpose of this section, in addition to the regulation of the business of insurance brokers, was the raising of revenue. How a statute should be construed. See notes to art. 1, sec. 15. *Shehan v. Tanenbaum, Son & Co.*, 121 Md. 284; *Keller v. State*, 122 Md. 682.

See notes to sec. 218 (this footnote).

220. A portion of the act of 1896, ch. 266, being in conflict with art. 3, sec. 29, of the Md. Constitution, and hence invalid, said act held not to repeal the act of 1894, ch. 377. *State v. Benzinger*, 83 Md. 487; *Field v. Malster*, 88 Md. 701.

See notes to sec. 219 (this footnote).

379. Cited but not construed in *Munich Co. v. United Surety Co.*, 113 Md. 222.